

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board¹
Docket No. 05-337

Maury I. Wolfe,)
Appellant,)
)
v.)
)
Department of Public Safety and)
William Robbins,)
Appellees)

BOARD'S RULING ON APPEAL

Procedural History

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant asks the Board to grant a variance from sections 780 CMR 302.1.1, 780 CMR 302.1.2, 780 CMR 302.2, 780 CMR 304.0, 780 CMR 304.2, 780 CMR 308.4, 780 CMR 310.1, 780 CMR 310.3, 780 CMR 503.0, 780 CMR 904.0, 780 CMR 918.4.6, 780 CMR 919.3.1 and 780 CMR 918.4.5 of the Massachusetts State Building Code ("MSBC") for Massachusetts State Police Station located at 367 Greenwood Street, Millbury, MA. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on December 19, 2006 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and representing the Department of Public Safety was William Robbins, the Appellee. Present and representing the Executive Office of Public Safety, Department of Fire Services was H. Jacob Nunnemacher. Present and representing the Massachusetts State Police was the Appellant. The Appellant appeared for the hearing pro se.

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108.

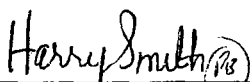
Discussion

A motion was made to approve the Appellants request for a variance from sections 780 CMR 302.1.1, 780 CMR 302.1.2, 780 CMR 302.2, 780 CMR 304.0, 780 CMR 304.2, 780 CMR 308.4, 780 CMR 310.1, 780 CMR 310.3, 780 CMR 503.0, 780 CMR 904.0, 780 CMR 918.4.6, 780 CMR 919.3.1 and 780 CMR 918.4.5 of the MSBC based upon the alternate protection system established by the Massachusetts State Police. A state trooper monitors the five detention cells 24 hours a day 7 days a week. The Board would like this to continue based upon the fact that there is no smoke detection in the detention cells. Motion carried 3-0.

Conclusion

The Appellant's request for variance from sections 780 CMR 302.1.1, 780 CMR 302.1.2, 780 CMR 302.2, 780 CMR 304.0, 780 CMR 304.2, 780 CMR 308.4, 780 CMR 310.1, 780 CMR 310.3, 780 CMR 503.0, 780 CMR 904.0, 780 CMR 918.4.6, 780 CMR 919.3.1 and 780 CMR 918.4.5 of the MSBC is hereby **GRANTED**.


SO ORDERED.



HARRY SMITH



ALEXANDER MACLEOD



KEITH HOYLE

DATED: January 22, 2007

** In accordance with M.G.L. c. 30A § 14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.*